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WITH THE
N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO.

In the Matter of the Suspension)
or Revocation of the License of)
MARK S. HIRSCH, D.D.S.)
To Practice Dentistry in the)
State of New Jersey)

Administrative Action

INTERIM ORDER

This matter was opened to the New Jersey State Board of Dentistry upon receipt of an Investigative Report from the Enforcement Bureau, Division of Consumer Affairs, which disclosed that Mark S. Hirsch, D.D.S., had prescribed, purchased under fictitious names, and personally used certain controlled dangerous substances for purposes unrelated to the practice of dentistry and that his conduct represented a relapse of his drug addiction.

Respondent hereby agrees and stipulates to the truth and accuracy of the following factual statements, and further, agrees to the entry of same into the record of the formal hearing in the above captioned matter proceeding on May 20, 1992, at 9:00 A.M. before the New Jersey State Board of Dentistry, at 124 Halsey Street, Sixth Floor, Newark, New Jersey.

1. This matter originally was brought to the Board of Dentistry upon the motion of the Attorney General for a temporary suspension of license to practice dentistry on July 1, 1987, subsequent to an investigation which disclosed that:

- (a) Respondent wrote fictitious prescriptions for Percodan, Percocet, and antibiotic - type medications from approximately 1981 through May 1987 and obtained these prescriptions for his own consumption;
- (b) Respondent continued to write fictitious prescriptions for Percodan and Percocet immediately subsequent to his completion of an in-patient drug rehabilitation counseling program at the Carrier Foundation;
- (c) Respondent also wrote fictitious prescriptions for Percocet and Percodan for a friend that he met while an in-patient at the Carrier Foundation;
- (d) Respondent admitted to having a CDS drug abuse problem including Percocet and Percodan that began in approximately 1981 and extended through May 1987, and respondent admitted that at the height of his addiction problem, he was consuming from 25 to 40 tablets

of Percodan/Percocet per day.

2. In resolution of the above-mentioned charges a Consent Order was filed with the Board of Dentistry on January 7, 1988 which suspended the respondent's license to practice dentistry for a period of three (3) years commencing on December 20, 1987 and ending on December 19, 1990 inclusive. Sixty (60) days of the suspension was active and the remaining period was stayed and constituted a probationary period so long as respondent complied with all other terms of the Consent Order. The remaining terms set forth the conditions of a comprehensive drug monitoring program as well as the payment of costs of the investigation and the assessment of a civil penalty. (A copy of the Consent Order is attached hereto and incorporated in the within Order by reference.)

3. Respondent participated in a comprehensive drug monitoring program supervised by the Impaired Dentists Program, amended from time to time, during the entire period of probation terminating on December 19, 1990. Respondent has held a plenary license to practice dentistry without restriction since that time. *

4. Commencing in or about March 1991 respondent again wrote prescriptions in his name and/or in the names of others for Vicodin, Percocet and Percodan (controlled dangerous substances) for his own consumption.

5. Respondent has continued to abuse Vicodin, Percocet and Percodan by writing prescriptions for these controlled dangerous

*Respondent satisfactorily completed the comprehensive drug monitoring program, experiencing no relapses, based upon the urine testing while in the program through December 19, 1990.

substances in his name and/or in the names of others. To date the respondent has written, at a minimum, fifty (50) such prescriptions for controlled dangerous substances for his own personal consumption as a result of his drug addiction.

6. On or about April 14, 1992, the respondent was interviewed in the presence of his counsel by Investigator Cindy Gohl as well as representatives of the Drug Enforcement Agency and the Middlesex County Prosecutor's Office. At that time he admitted that he had written the above described prescriptions, and he admitted that he was consuming anywhere from five (5) to thirty-five (35) tablets of the controlled dangerous substances (mainly Vicodin) per day. He further admitted that he had practiced dentistry at times when he had consumed these drugs.

7. On or about April 14, 1992, the respondent surrendered his DEA registration to the DEA investigators.

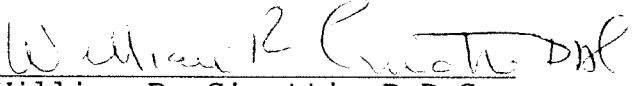
8. On or about April 13, 1992, the respondent met with Frederick Rotgers, Ph.D. of the Impaired Dentists Program and agreed to enter into a drug monitoring program including urine testing and support groups.

9. Respondent further has agreed to submit to urine testing twice weekly, and he has authorized the Impaired Dentists Program to notify the Board of Dentistry immediately in the event of a positive urine test.

10. Respondent acknowledges that the above described conduct constitutes grounds for the suspension or revocation of his license to practice dentistry pursuant to N.J.S.A. 45:1-21 and 45:1-13 in that he prescribed and purchased controlled

dangerous substances written in his name and in fictitious names for purposes unrelated to the practice of dentistry for his own personal use and that he prescribed such controlled dangerous substances in an indiscriminate manner, or not in good faith, or without good cause, or where respondent reasonably knew or should have known that the substance prescribed was to be used for unauthorized consumption.

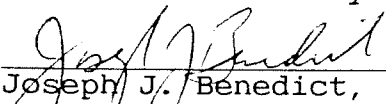
11. Respondent shall have the opportunity to personally appear before the Board with counsel on May 20, 1992, at 9:00 A.M. for the sole purpose of addressing the Board in mitigation of penalty. Subsequent to the mitigation hearing the Board shall render a final decision and imposition of penalty.


William R. Cinotti, D.D.S.
President
State Board of Dentistry

I have read and understand
the within Order and agree
to be bound by its terms.
Consent is hereby given to
the Board to enter this Order.


Mark S. Hirsch, D.D.S.

Consent as to the form of
the Order is hereby given.


Joseph J. Benedict, Esq.
Counsel for Mark S. Hirsch, D.D.S.

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF DENTISTRY

In the Matter of the Suspension)
or Revocation of the License of)
) Administrative Action
MARK S. HIRSCH, D.D.S.) CONSENT ORDER
)
To Practice Dentistry in the)
State of New Jersey)

This matter was opened to the New Jersey State Board of Dentistry by W. Cary Edwards, Attorney General of New Jersey, by Kathy Rohr, Deputy Attorney General, with Anthony F. LaBue, Esq., representing respondent Mark S. Hirsch, D.D.S., upon a Verified Complaint alleging that respondent prescribed, purchased under fictitious names, and personally used certain Controlled Dangerous Substances for purposes unrelated to the practice of dentistry; that respondent was incapable, as a result of his drug addiction, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare; that respondent prescribed and purchased Controlled Dangerous Substances written in fictitious names for purposes unrelated to the practice of dentistry not only for his own personal use but also for the use of another; and that respondent prescribed Controlled Dangerous Substances in an indiscriminate manner, or not in good faith, or without good cause, or where respondent reasonably knew or should have known that the substance prescribed was to be used for unauthorized consumption. All of the foregoing conduct constitute violations of N.J.S.A. 45:1-21 and 45:1-13.

Respondent appeared before the Board on July 1, 1987, upon an application by the Attorney General for a temporary Order suspending the license of the respondent to practice dentistry. Respondent admitted that he has suffered from an addiction to Percodan and/or Percocet since approximately 1981 and that he obtained these medications by writing fictitious prescriptions and filling them at various pharmacies for his own consumption. Respondent further admitted that he suffered a relapse subsequent to his completion of an in-patient drug rehabilitation program at the Carrier Foundation in March 1987 and also wrote prescriptions for a friend he met while a patient at Carrier. Subsequent to the relapse respondent reinstituted his out-patient treatment program under the supervision of Barbara McCrady, Ph.D., Director of the Impaired Dentists Program, and Joseph Perzel, Jr., Psy.D., both of whom appeared before the Board in support of the respondent and his current out-patient program. An Order was entered on July 4, 1987, temporarily suspending the license of the respondent pending a plenary hearing on the Administrative Complaint, which suspension was stayed so long as the respondent complied with prescribed supervisory and monitoring conditions concerning his drug use.

The Board has considered and reviewed all relevant documentation which has been submitted by the respondent and the Attorney General. The respondent being desirous of resolving the matter, and the Board, finding the within Order to be adequately protective of the public interest,

IT IS on this 20th day of December, 1987

ORDERED:

1. Respondent's license to practice dentistry in the State of New Jersey shall be and hereby is suspended for a period of three (3) years commencing on December 20, 1987 and ending on December 19, 1990 inclusive. Sixty (60) days shall be active suspension and shall commence on December 20, 1987 and end on February 17, 1988 inclusive. The remaining period of suspension shall be stayed and shall constitute a probationary period so long as respondent complies with all the other terms of the within Order.

2. In the event respondent wishes to engage in unpaid community dental service subsequent to the thirtieth (30th) day of active suspension, he shall petition the Board for permission to do so. The petition shall include the place of service, the hours of service, and the name of the person who will verify and supervise the community service. In no event, however, shall respondent engage in the private practice of dentistry in any manner during the aforementioned sixty (60) days of active suspension.

3. Respondent hereby consents to the entry of an Order of automatic suspension of his license without notice upon the Board's receipt of any reliable information such as, but not limited to, a report of a confirmed positive urine from the party responsible for monitoring respondent's urine, information from any treating psychologist, or information from any out-patient program, which reveals evidence of substance abuse

during the probationary period.

4. Respondent shall have the right to apply for removal of the automatic suspension on two (2) days' notice but in such event shall be limited to a showing that urine tested was not his or was a false positive, in the case of urine testing, or that other information submitted was false.

5. Respondent shall not prescribe Controlled Dangerous Substances, nor shall he possess such substances, except pursuant to a bona fide prescription written by a physician for good medical cause in the treatment of the respondent.

6. Respondent shall have his urine monitored on a random basis two (2) times weekly with direct witnessing of the samples to be performed by a drug counsellor at Perth Amboy Hospital or another designee of the Board. Such urine monitoring shall include all of the usual tests by a laboratory, and all such testing shall be at the expense of the respondent. Respondent shall cause and permit the staff at Perth Amboy Hospital, or other Board designee, to report the results of each test verbally to William Gutman, Executive Director of the Board of Dentistry, as soon as such test results are available. The Board may in its sole discretion modify the frequency of testing or method of reporting during the probationary period.

7. Respondent shall attend support groups including the Impaired Dentists Group and AA or NA at a frequency of no less than three (3) times per week. Respondent shall provide the Board with a log containing the name of the support group and dates of attendance on a monthly basis. Said log shall be submitted to William Gutman, Executive Director of the Board of Dentistry, no later than the fifth (5) business day of each month.

8. Respondent shall continue in individual therapy on a weekly basis with Dr. Joseph Perzel, Jr., who shall supply quarterly reports to the Board on respondent's attendance and progress in therapy and shall be responsible for an immediate report to the Board (in writing within twenty-four (24) hours of discovery) of any information or situation which in his reasonable judgment is likely to lead to a recurrence of impairment. Respondent shall supply Dr. Perzel with an appropriate release which shall specifically permit such reporting to the Board and shall expire no earlier than three (3) years from the date of entry of this Order. Dr. Perzel shall also be responsible to make an immediate report (within twenty-four (24) hours in writing) to the Board if respondent ceases seeing Dr. Perzel or modifies any other part of the treatment program. In the event Dr. Perzel leaves the area and is unable to continue seeing the respondent, Dr. Hirsch may engage a therapist recommended by the Director of the Impaired Dentists Program so long as he obtains prior Board approval of the new therapist.

9. Respondent shall submit to a psychological or psychiatric evaluation by a Board appointed consultant within six (6) months from the entry of this Order and again one (1) year from the entry date of this Order. Respondent shall be responsible for the fee of the consultant for the evaluation and report.

10. Respondent shall advise any and all treating physicians of his history of substance abuse.

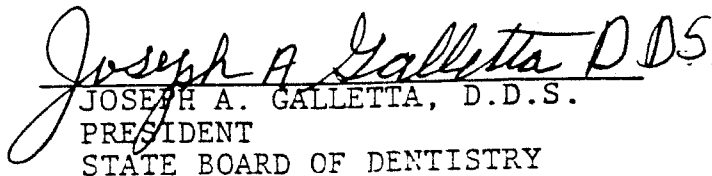
11. Respondent may apply for modification of the terms

and conditions of the within Order no sooner than one (1) year from the entry date of this Order.

12. A copy of this Order shall be mailed directly to Dr. Perzel, Perth Amboy Hospital, the Impaired Dentists Program, or any individual succeeding to their respective monitoring functions.

13. Respondent shall pay the costs of the investigation in this case in the amount of \$6,143.22. Said costs shall be payable by certified check or money order to the State of New Jersey in thirty-six (36) equal installments of \$170.65 submitted no later than the first (1st) day of each month beginning the first month after the entry date of this Order, to William Gutman, Executive Director of the State Board of Dentistry.

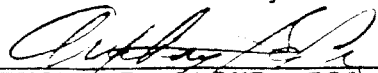
14. Respondent shall be assessed a civil penalty in the amount of \$5,000.00. However, the entire amount of said penalty shall be suspended so long as respondent complies with all other terms and conditions of the within Order.


JOSEPH A. GALLETTA, D.D.S.
PRESIDENT
STATE BOARD OF DENTISTRY

I have read the within Order.
I understand the Order, and I
agree to be bound by it:


MARK S. HIRSCH, D.D.S.

The above Order is agreed to as
to form and entry:


ANTHONY F. LABUE, ESQ.
Attorney for Mark S. Hirsch, D.D.S.